

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
WEDNESDAY, JULY 13, 2005**

UNAPPROVED  
AUGUST 25, 2005

PRESENT: John R. Byers, Mount Vernon District  
Frank A. de la Fe, Hunter Mill District  
Janet R. Hall, Mason District  
Suzanne F. Harsel, Braddock District  
James R. Hart, Commissioner At-Large  
Nancy Hopkins, Dranesville District  
Ronald W. Koch, Sully District  
Kenneth A. Lawrence, Providence District  
Rodney L. Lusk, Lee District  
Peter F. Murphy, Jr., Springfield District  
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Walter L. Alcorn, Commissioner At-Large

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The meeting was called to order at 8:22 p.m. by Chairman Peter F. Murphy, Jr., in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

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**COMMISSION MATTERS**

Commissioner Byers announced his intent to defer the public hearing on 2232-V04-16, Fairfax County Park Authority, from Thursday, July 14, 2005 to Thursday, October 6, 2005.

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Commissioner Lusk MOVED THAT THE PUBLIC HEARING ON RZ 2004-LE-045, MC PROPERTY DEVELOPMENT, LLC, BE DEFERRED TO A DATE CERTAIN OF OCTOBER 19, 2005.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Alcorn absent from the meeting.

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Commissioner Lusk announced his intent to defer the public hearing on SE 2005-LE-011, Jennings Motor Company, Incorporated, from Thursday, July 28, 2005 to Thursday, September 15, 2005.

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Commissioner Lusk noted his intent to defer the public hearing on RZ 2004-LE-021 and FDP 2004-LE-021, Landmark Property Development, LLC, from Thursday, July 21, 2005 to Thursday, July 28, 2005.

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Commissioner Harsel noted that a complete set of development conditions for SEA 96-B-010, Trinity Christian School, had been distributed tonight.

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Commissioner Harsel MOVED THAT THE PLANNING COMMISSION APPROVE THE FOLLOWING MINUTES:

JULY 9, 2003

JULY 10, 2003

JULY 17, 2003

JULY 23, 2003

JULY 24, 2003

JULY 30, 2003

Commissioners de la Fe and Byers seconded the motion which carried by a vote of 7-0-4 with Commissioners Hart, Hopkins, Lawrence, and Lusk abstaining; Commissioner Alcorn absent from the meeting.

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Commissioner Murphy MOVED THAT THE PUBLIC HEARING ON SE 2003-SP-035, ROBERT N. DEANGELIS; RONALD A. & LETA G. DEANGELIS; AND GEORGE HINNANT, TRUSTEE, BE DEFERRED TO A DATE CERTAIN OF OCTOBER 19, 2005.

Commissioners Byers and Hall seconded the motion which carried unanimously with Commissioner Alcorn absent from the meeting.

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Commissioner de la Fe announced his intent to defer the public hearing on RZ 2002-HM-043, FDP 2002-HM-043, PCA 79-C-037-5, and SE 2002-HM-046, from Thursday, July 14, 2005 to Wednesday, September 28, 2005.

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Commissioner Harsel reminded Commissioners that a public information session on the upcoming Zoning Ordinance Amendment dealing with WMATA facilities would be held at 7:30 p.m. on July 14, 2005, noting that the amendment was scheduled for public hearing on July 21, 2005.

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FS-V05-5 – CINGULAR WIRELESS, 6677 Richmond Highway

Commissioner Byers MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE “FEATURE SHOWN” DETERMINATION IN FS-V05-5.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Alcorn absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. RZ 2004-MA-038 - MOON SIK PARK
2. CSPA 82-P-069-4 - U.S. HOMES CORPORATION
3. CSPA 86-P-089 - THE PETERSON COMPANIES, LC  
CSPA 86-W-001 - THE PETERSON COMPANIES, LC  
CSPA 82-P-069-5 - THE PETERSON COMPANIES, LC
4. RZ 2005-MV-001/FDP 2005-MV-001 - BROOKFIELD RIDGE ROAD
5. PCA 87-P-052-02/FDPA 87-P-052-02 - EYA DEVELOPMENT, INC.  
PCA 84-P-007-03/FDPA 84-P-007-03 - EYA DEVELOPMENT, INC.

This order was accepted without objection.

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RZ 2004-MA-038 - MOON SIK PARK - Appl. to rezone from C-6, HC, SC and CRD to C-7, HC, SC and CRD to permit commercial development with an overall Floor Area Ratio (FAR) of 0.70. Located on the S. side of Little River Tnpk. approx. 400 ft. E. of its intersection with Backlick Rd. on approx. 2.04 ac. of land. Comp. Plan Rec: Retail and Other. Tax Map 71-1 ((1)) 115A and 116B. MASON DISTRICT. PUBLIC HEARING.

Robert Lawrence, Esquire, with Reed Smith LLP, reaffirmed the affidavit dated June 29, 2005. Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had two pending cases with Mr. Lawrence’s law firm but there was no financial relationship and it would not affect his ability to participate in this case.

Kristen Crookshanks, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

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Chairman Murphy relinquished the Chair to Vice Chairman Byers.

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In response to a question from Commissioner Harsel, Kristen Abrahamson, ZED, DPZ, said the retail component was within the envelope of the hotel building. Mr. Lawrence further responded that the architectural elevation drawing on sheet 4 of 8 of the staff report showed that the first floor extended beyond the elevated part of the hotel building.

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Chairman Murphy resumed the Chair.

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Mr. Lawrence stated that the applicant had made revisions to the plan to address citizen and staff concerns and noted that the application now had the support of the Mason District Land Use Committee and the Annandale Revitalization Committee.

Chairman Murphy called for speakers from the audience, but received no response.

Responding to a question from Commissioner Hall, Mr. Lawrence said the plan drawing did not suggest that the portion above the first floor was smaller than the footprint.

In response to another question from Commissioner Hall, Ms. Abrahamson suggested that a shadowed line be added to the drawing to clarify the elevation difference between the front and rear of the building.

Responding to questions from Commissioner Hart, Charlie Choe, agent with DDC, Incorporated, explained that accessory services located on the basement level, such as a reading room or exercise area, would be accessed by hotel users only and retail would only be located on the ground level in the lobby area. Ms. Abrahamson added that accessory services would not be visible from the ground floor.

In response to further questions from Commissioner Hart, Mr. Lawrence noted that although there would be sparse surface parking available, several floors of parking would be provided underneath the building. Ms. Abrahamson pointed out that the full footprint of uses should have illustrated some retail extending beyond the rear of the hotel similar to what had been shown on the section drawing.

Commissioner Hall commented that the applicant had not clarified whether a bottom retail section would extend out from the hotel. Responding affirmatively, Mr. Choe indicated that the hotel would be half the size of the ground floor.

In response to another question from Commissioner Hall, Ms. Abrahamson recommended that the applicant revise the elevation drawing so that the floors were shadowed. Commissioner Hall concurred.

Responding to questions from Commissioner de la Fe, Ms. Abrahamson indicated that staff believed that a small portion of retail would possibly protrude, the hotel rooms would be located above the majority of the building, and the hotel would be much larger. She said the elevation was correct and suggested that the drawing include a line weight differential to show depth to the building.

In response to questions from Commissioner Harsel, Mr. Lawrence stated that only retail and restaurant uses would be available to the general public and there would be no drive-through uses.

Responding to another question from Commissioner Harsel, Ms. Abrahamson explained that the first floor retail use was 21,800 square feet, the building was 130 feet deep, and the retail extension was approximately 65 feet deep or half of the building.

Commissioner Hall noted that she had received a fax this evening from Dan McKinnon, Jr., Chair of the Annandale Central Business District Planning Committee, asking whether the commitments listed in a letter dated May 18, 2005 from the applicant could be enforced. Mr. Lawrence objected to Commissioner Hall's proposal to proffer the commitments. Commissioner Hall announced that she would submit the letter to staff for review to determine whether it would be reasonable to include the commitments in the proffers or some language thereof. (Copies of the fax and letter are in the date file.)

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hall for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Hall MOVED THAT THE PLANNING COMMISSION DEFER DECISION ON RZ 2004-MA-038, TO A DATE CERTAIN OF JULY 27, 2005, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENT.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Alcorn absent from the meeting.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT MOVE ITS PUBLIC HEARING DATE ON RZ 2004-MA-038 FROM JULY 25, 2005 TO AUGUST 1, 2005.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Alcorn absent from the meeting.

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The next two public hearings were in the Springfield District; therefore, Chairman Murphy relinquished the Chair to Vice Chairman Byers.

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CSPA 82-P-069-4 - U.S. HOMES CORPORATION - Appl. to amend the existing Comprehensive Sign Plan. Located in the N.W. quadrant of the intersection of Fair Lakes Blvd. and Fair Lakes Pkwy. on approx. 22.48 ac. of land zoned PDC and WS. Tax Map 45-4 ((18)) A and 55-1 ((29)) A. SPRINGFIELD DISTRICT. PUBLIC HEARING.

Lynne Strobel, Esquire, with Walsh, Colucci, Lubeley, Emrich & Terpak, PC, noted that there was no affidavit since the application was for a Comprehensive Sign Plan Amendment. Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had a pending case with Ms. Strobel's law firm but there was no financial relationship and it would not affect his ability to participate in this case.

Commissioner Murphy asked that Vice Chairman Byers ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed; therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner Murphy for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION APPROVE CSPA 82-P-069-4, SUBJECT TO THE DRAFT DEVELOPMENT CONDITIONS DATED JULY 13, 2005, AND THAT THE DATE IN DEVELOPMENT CONDITION NUMBER 2 BE CHANGED FROM MAY 4, 2005 TO JUNE 25, 2005.

Commissioners Hall and Koch seconded the motion which carried unanimously with Commissioner Alcorn absent from the meeting.

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CSPA 86-P-089 - THE PETERSON COMPANIES, LC - Appl. to amend the existing Comprehensive Sign Plan. Located in the S.W. quadrant of the intersection of West Ox Rd. and Fair Lakes Pkwy. on approx. 3.29 ac. of land zoned PDC. Tax Map 55-2 ((1)) 15 pt.

CSPA 86-P-089 - THE PETERSON COMPANIES, LC  
CSPA 86-W-001 - THE PETERSON COMPANIES, LC  
CSPA 82-P-069-5 - THE PETERSON COMPANIES, LC

July 13, 2005

(Concurrent with CSPA 86-W-001 and CSPA 82-P-069-5.)  
SPRINGFIELD DISTRICT.

CSPA 86-W-001 - THE PETERSON COMPANIES, LC - Appl. to amend the existing Comprehensive Sign Plan. Located on the N. side of I-66 and S. of Fair Lakes Pkwy., W. of its intersection with West Ox Rd. on approx. 30.78 ac. of land zoned PDC. Tax Map 55-2 ((1)) 15 pt. (Concurrent with CSPA 82-P-069-5 and CSPA 86-P-089.)  
SPRINGFIELD DISTRICT.

CSPA 82-P-069-5 - THE PETERSON COMPANIES, LC - Appl. to amend the existing Comprehensive Sign Plan. Located on the S. side of Fair Lakes Cir. and E. and W. of Roger Stover Dr. on approx. 15.68 ac. of land zoned PDC and WS. Tax Map 55-2 ((1)) 14B1, 14B2 and 14B3. (Concurrent with CSPA 86-W-001 and CSPA 86-P-089.)  
SPRINGFIELD DISTRICT. JOINT PUBLIC HEARING.

Susan Yantis, land use coordinator with Walsh, Colucci, Lubeley, Emrich & Terpak, PC, noted that there was no affidavit since the application was for a Comprehensive Sign Plan Amendment and did not require one.

Commissioner Murphy asked that Vice Chairman Byers ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed; therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner Murphy for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION APPROVE CSPA 82-P-069-5, CSPA 86-W-001, AND CSPA 86-P-089, SUBJECT TO THE DRAFT DEVELOPMENT CONDITIONS DATED JULY 12, 2004.

Commissioners de la Fe and Lusk seconded the motion which carried unanimously with Commissioner Alcorn absent from the meeting.

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At the conclusion of this case, Chairman Murphy resumed the Chair.

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RZ 2005-MV-001/FDP 2005-MV-001 - BROOKFIELD RIDGE ROAD - Appls. to rezone from R-1 to PDH-2 to permit residential development at a density of 1.99 dwelling units per acre (du/ac) and approval of the conceptual and final development plans. Located S. of Ridge Creek Way, S.E. of its intersection with Shepherd Ridge Ct. on approx. 11.04 ac. of land. Comp. Plan Rec: 2-3 du/ac. Tax Map 89-4 ((1)) 56, 57A and 69. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Lynne Strobel, Esquire, with Walsh, Colucci, Lubeley, Emrich & Terpak, PC, reaffirmed the affidavit dated April 26, 2005. Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had a pending case with Ms. Strobel's law firm but there was no financial relationship and it would not affect his ability to participate in this case.

Kristen Crookshanks, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the applications, but recommended denial of the request to modify the trail location required for the southern half of the subject site because the Trails Committee had not reviewed the request at this time.

Ms. Strobel stated that the proposed density of 1.99 dwelling units per acre was less than what the Comprehensive Plan recommended, would be compatible with the surrounding communities, and that all land use issues had been satisfactorily addressed by the applicant. She explained that the applicant had worked with a civil engineer to prepare a design that would improve the existing drainage conditions in the area, positively affect the surrounding properties, and dramatically reduce drainage to flow off-site. She also indicated that the applicant had designed a system of roof drains, swells, yard inlets, and berms to direct all stormwater into a closed pipe system to flow into a stormwater management pond. Ms. Strobel also noted that the applicant had revised the plan several times to address the direction of stormwater from separate drainage divides. She said the applicant preferred that the pond on Parcel A remain as undisturbed open space and Pond C remain as the only pond on the site, but the applicant agreed to provide two ponds to resolve any staff issues. She pointed out that Matthew Marshall, civil engineer with Land design Consultants, Incorporated; Jerry Stonefield, Environmental and Site Review Division (ESRD), Department of Public Works and Environmental Services (DPWES); and Steve Aitcheson, Maintenance and Stormwater Management Division, DPWES, had concurred that the applicant address the existing drainage problems through improvements of off-site outfalls. Ms. Strobel indicated that the requests made by the Springfield Glen Homeowners Association to provide additional landscaping, remove an existing access point, and provide a trail connection had been reflected in the proffers and said the association did not oppose the applications although a position had not been submitted in writing. She stated that the applicant had not agreed to a proposal made by the Middle Valley Civic Association to eliminate seven lots, but had assured them that the applications would improve the existing stormwater management conditions.



Ms. Strobel said the applicant had designed the ponds in accordance with Fairfax County standards and agreed to submit a subdivision plan to again demonstrate that the ponds would function properly. She concluded that the applicant would meet again with the community to resolve outstanding issues.

In response to questions from Commissioner Byers, Mr. Marshall explained that drainage on lots 12 and 13 being diverted toward lots 10 and 11 would not cross the drainage divide because the waterflow would be within the same drainage shaft. He said Outfall 2 and Outfall 3 had an ultimate convergence point in the Middle Valley community behind lot 18, approximately 300 feet downstream of the property.

Responding to further questions from Commissioner Byers, Mr. Stonefield noted that the applicant had revised the applications when the amendment to the Public Facilities Manual (PFM) regarding drainage divides had been deferred. He discussed the difference of opinion between the County Attorney's Office and DPWES staff on the distinction of major and minor divides and said there were ongoing discussions to reach a consensus.

In response to a question from Commissioner Hart, Kristen Abrahamson, ZED, DPZ, said she shared his concern regarding an elevated deck being permitted in the minimum rear yard setback as addressed by Proffer Number 12d.

Commissioner Hart recommended that staff reconsider the configuration of the houses to the minimum rear yard setbacks on lots 4, 5, 10, 12, 13, 14, 15, and 18 or that the applicant include a disclosure about restriction of sun rooms and screen porches on these lots in the homeowner association documents as described by Proffer Number 12d. Ms. Strobel responded that the applicant would address this issue.

Commissioner Wilson pointed out that resolution of the adequate outfall issue would help determine the outcome of the drainage divides issue and said she would continue to pursue completion of the PFM amendment as soon as possible since many applications were awaiting its results. She commented that the divides issue caused difficulty for the applicant, but said precedents should not be set since the language had not been finalized. She suggested that there be clarity and consistency from County staff before the subject applications went forward. Chairman Murphy concurred.

Commissioner Hart commented that the distinction between major and minor divides needed to be settled between the County Attorney's Office and DPWES staff before the Board of Supervisors adopted regulations on the distinction. Commissioner Wilson agreed and said the consensus might take some time.

In response to a question from Commissioner Lawrence, Ms. Abrahamson stated that it would be difficult to develop a matrix to resolve the issue concerning sun rooms and screen porches that Commissioner Hart had addressed, but said staff would further examine this issue.

Responding to questions from Commissioner Harsel, Ms. Strobel said that although signage had not been proffered, the applicant had proffered disclosures in the homeowner association documents stating that the unconsolidated lot might be developed with more than one home. She noted that the applicant had not discussed with staff the possibility of providing lot 57 with additional access. Ms. Strobel explained that if the soils were inappropriate, the site would need to be redesigned in conformance with the Comprehensive Plan and if not, another rezoning application would be submitted. She stated that the applicant would contribute funds to the Park Authority instead of developing a small playground area on-site.

In response to questions from Commissioner Byers, Ms. Strobel explained that the applicant would provide approximately one acre and a half of tree preservation areas, trails, a trail connection, sidewalks on both sides of the street, and 41 percent open space which included the stormwater management ponds and met Zoning Ordinance requirements.

Commissioner Wilson indicated that the Transportation criterion under the Residential Density Criteria required that a future street connection be identified with signage, noting that this had been applied by the Commission to future extensions of cul-de-sacs, substreets, or other interparcel connections.

Chairman Murphy called the first listed speaker and recited the rules for public testimony.

Teresa Champion, 8100 Backlash Court, Springfield, President of the Middle Valley Civic Association, noted that her association, the Mount Vernon Council of Civic Associations, and the South County Federation had all voted to oppose the applications. She expressed opposition to the proposal due to insufficient stormwater management, steep topography and highly erodible soil in the area, crossing of drainage divides, lack of maintenance of dry ponds, inadequate stormwater outfalls, and incompatibility with the surrounding community. Ms. Champion requested that the Middle Valley community be protected from stormwater runoff flowing downhill from the proposed development. She presented photographs of outfalls on the property, noting that more improvements might be needed than what the applicant had proffered. (A copy of her remarks is in the date file.)

Randy Becker, 7513 Candytuft Court, Springfield, spoke in opposition to the proposed plan, citing excessive density; abuse of the principles inherent in Planned Development Housing (PDH) Zoning; absence of engineering calculations and preliminary dam breach analysis; poor stormwater management; responsibility of County taxpayers to repair damages to the dam; lack of a cross-section of the grading required on the Hyde property; violation of Best Management Practices; detrimental affect on the stream which had an overall rating of "Poor;" inadequate outfall; incompatibility with the existing community; and uncertainty that the applicant had the legal right to construct a floodway on the Hyde property. He said the proposal to eliminate seven houses would preserve significant green space, a mature tree line, and wildlife habitat; protect adjacent homes from stormwater runoff; reduce the impact on damaged outfalls; eliminate the six-foot concrete wall on the property lines; reduce complexity of the necessary engineering; and be much friendlier to the environment. (A copy of his remarks is in the date file.)

Diana Taylor, 4842 Cherokee Avenue, Alexandria, representing the known heirs of Archibald and Patience Hall, reported that the ownership of the Hall/Sutherland Family Cemetery on the subject property had been disputed. She said all heirs of Archibald Hall and their families had the right to be buried in the cemetery or to convey their lack of interest. She requested that the Planning Commission not vote on the applications until the issue of ownership had been settled.

Roger Larson, 7501 Candytuft Court, Springfield, voiced objection to the applications due to excessive density, insufficient stormwater management, increased flooding, inadequate tree save, and removal of trees and forested buffer.

Denise Ahola, 8197 Ships Curve Lane, Springfield, spoke in opposition to the proposal because it would have an adverse impact on the Middle Valley community and wildlife in the area due to the clear-cutting of trees.

Jim Brado, 7831 Roundabout Way, Springfield, noted that he was opposed to the applications, citing 10 to 12 houses were permitted by-right, excessive density, increased risk of flooding, clear-cutting of trees, inadequate stormwater management, unwillingness of the applicant to compromise, and ignored needs of the existing homeowners. He suggested that only 15 to 17 houses be built instead of the proposed 22. (A copy of his remarks is in the date file.)

Responding to questions from Commissioner Hall, Mr. Brado noted that he expected development of the subject property, but said he proposed a compromise of less than 22 houses which the applicant had been unwilling to meet.

Linwood Gorham, 6036 Chapman Road, Lorton, Co-Chairman of the South County Federation Land Use Committee, noted that the Federation voted to oppose the applications due to community concerns. He expressed opposition to the proposed development due to proximity to and incompatibility with the adjacent neighborhood, failure of the engineers to answer questions and reach a consensus regarding stormwater management, and an excessively complicated plan.

Commissioner Wilson thanked Mr. Gorham for working on reaching a compromise between the residents and the applicant.

Jim Renfro, 8615 Kerry Lane, Springfield, said as the owner of the subject property for 32 years, he believed that the applicant had the best interest of the adjoining communities in mind and was certain a compromise would be reached.

George Berry, 7571 Vogels Way, Springfield, expressed concerns about the proposed number of houses and increased water runoff flowing downhill onto the adjoining properties due to the removal of vegetation. He said he did not dispute development of the subject property, but asked that the needs of the residents be met and protection from excess water runoff be provided.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Ms. Strobel.

Ms. Strobel said she had addressed the issues associated with the Comprehensive Plan and the PDH-2 Zoning District, noting that the property to the north was zoned to the same district. She recognized that although the proposed development was not exactly the same as the adjacent neighborhood, it was comparable. She noted that there had been compromises made by the applicant such as the reduction to 22 lots. She said she believed that by-right development would not result in significant additional tree save area and change to the grading of the site. Ms. Strobel stated that the engineer had been thorough in his preparations of calculations for stormwater management and the applicant proposed that the community retain the services of an independent qualified engineer to review the calculations at the applicant's expense. She said the applicant had done everything to meet the County requirements, work with staff, and respond to the drainage divides issue.

In response to questions from Commissioner Hall, Ms. Strobel stated that the plan had been redesigned in accordance with the existing PFM requirements and said there was still disagreement regarding drainage divides and direction of water flow. Mr. Marshall further responded that the applicant had addressed all required stormwater issues in the preliminary sewer system design, the decision to have one or two stormwater ponds would be dictated by the PFM requirements, and pipes would drain into the pond at a minimum of half of a percent in accordance with the PFM. He explained that the applicant would provide a berm at the rear of lots 4 through 12 as an additional safety measure. Mr. Marshall said the applicant would also provide roof drains at the rear of lots 5 through 7 to reduce the impervious surface that would otherwise drain off uncontrolled to the below properties. He indicated that based upon the allowable release rates for the property, the two-year storm would be cut in half, the 10-year storm would be reduced by over 30 percent, and the 1-year, 24-hour detention would improve the downstream erosion control volume. He noted that the applicant had agreed to improve the inadequate outfalls in the proffers.

Responding to another question from Commissioner Hall, Ms. Strobel indicated that it would be difficult to add a proffer to hold the applicant responsible if flooding was to occur on adjacent properties, but said the applicant had agreed to tighten up the existing proffers on stormwater management. She stated that the property would be developed in accordance with all Fairfax County regulations and claimed that flooding would not be an issue since the property would be appropriately graded and the ponds would be designed above County standards to appropriately handle drainage. She pointed out that the stormwater pond on Parcel C would use a public street for embankment as an additional protection measure.

In response to questions from Commissioner Harsel, Bruce Nassimbeni, ESRD, DPWES, stated that the detailed subdivision plans would have to comply with stormwater detention, adequate outfall, and proper sizing of pipes which would be analyzed upon submission of the construction plan. He said a stormwater system designed for a proper storm as defined by the PFM should work, but noted that clogged inlets that caused overflow would be repaired by the County.

Responding to questions from Commissioner Hart, Mr. Stonefield stated that staff's recommendation on the applications would not be affected if the County Attorney's Office concluded that there was no major/minor distinction on drainage divides. He said it was possible that the proposal could be approved with the two stormwater pond configuration notwithstanding the drainage divide. Mr. Stonefield indicated that a 100-year storm had a one percent annual chance of being equal to or exceeded in any given year. He explained that a stormwater management pond had a spillway designed to convey at least the 100-year storm and would be required to be higher than the 100-year storm if the embankment rose higher than the spillway design floor.

Commissioner Hart asked that staff inform him as to whether Hurricane Isabelle was considered a 100-year storm. He further asked whether debris in the drain of a stormwater management pond would cause water to overflow onto the below properties.

In response to questions from Commissioner Lawrence, Mr. Marshall noted that the ponds were designed to retain the water and release it at a lesser rate than the current rate of runoff with the addition of houses, driveways, and the road. He explained that the ponds had safety factors built in such as a combined spillway that would require an additional volume to hold water for a greater amount of time to prevent overflow. He claimed he had presented a similar explanation to the community, but said the only items that had not yet been provided were actual paper calculations.

Commissioner Lawrence commented that if an explanation similar to Mr. Marshall's had been presented by an independent qualified engineer, he believed it would help clarify the situation. He suggested that Ms. Strobel discuss with Commissioner Byers innovative and creative designs.

Responding to questions from Commissioner Harsel, Mr. Marshall reported that the main pond would be 10 to 12 feet deep and surrounded by a metal barrier. Commissioner Harsel recommended that there be plantings surrounding the barrier. Ms. Strobel responded that the applicant would agree to whatever the County permitted.

In response to further questions from Commissioner Harsel, Mr. Marshall stated that if required, the second pond would be five to six feet deep since there was a smaller drainage area.

Continuing her rebuttal, Ms. Strobel said this was the first time she had heard about Ms. Taylor's remarks about other heirs associated with a portion of the subject property. She claimed that there was a recorded list of heirs and the applicant had taken all appropriate legal actions in order to acquire title of the property, but said the applicant would further address this issue.

Chairman Murphy commented that the best stormwater management technology available should be used to ensure that the existing residents were not affected more dramatically or adversely than they were at the present time as required by the Zoning Ordinance. Ms. Strobel concurred.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Byers for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION DEFER DECISION ON RZ AND FDP 2005-MV-001, TO A DATE CERTAIN OF SEPTEMBER 29, 2005, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Wilson seconded the motion which carried unanimously with Commissioner Alcorn absent from the meeting.

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The Commission went into recess at 10:46 p.m. and reconvened in the Board Auditorium at 11:06 p.m.

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The next public hearing was in the Springfield District; therefore, Chairman Murphy relinquished the Chair to Vice Chairman Byers.

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PCA 87-P-052-02/FDPA 87-P-052-02 - EYA DEVELOPMENT, INC.  
- Appls. to amend the proffers and final development plan for RZ 87-P-052 previously approved for office development to permit a change in approved uses to residential at an overall intensity of 0.87 Floor Area Ratio (FAR). Located in the S.E. corner of the intersection of Legato Rd. and West Ox Rd., on approx. 2.44 ac. of land zoned PDC and WS. Comp. Plan Rec: Fairfax Center area; Office/Mixed Use. Tax Map 46-3 ((1)) 40. (Concurrent with PCA/FDPA 84-P-007-03.)  
SPRINGFIELD DISTRICT.

PCA 84-P-007-03/FDPA 84-P-007-03 - EYA DEVELOPMENT, INC.  
- Appls. to amend the proffers and final development plan for RZ 84-P-007 previously approved for office development to permit a change in approved uses to residential at an overall intensity of 0.87 Floor Area Ratio (FAR). Located on the S. side of Legato Rd. approx. 150 ft. E. of West Ox Rd. on approx. 5.41 ac. of land zoned PDC and WS. Comp. Plan Rec: Fairfax Center area; Office/Mixed Use. Tax Map 46-3 ((1)) 51. (Concurrent with PCA/FDPA 87-P-052-2.)  
SPRINGFIELD DISTRICT. JOINT PUBLIC HEARING.

Elizabeth Baker, land use coordinator with Walsh, Colucci, Lubeley, Emrich & Terpak, PC, reaffirmed the affidavit dated April 28, 2005. Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had a pending case with Ms. Baker's law firm but there was no financial relationship and it would not affect his ability to participate in this case.

Kristen Abrahamson, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended denial of the applications because they were not in conformance with the applicable Zoning Ordinance provisions or the Comprehensive Plan and had not satisfied enough elements of the Fairfax Center Area checklist to justify the overlay level of development.

In response to a question from Commissioner Hart, Ms. Abrahamson said all technical issues had been resolved by the applicant, but design concerns expressed by staff still remained.

Responding to questions from Commissioner Murphy, Ms. Abrahamson agreed that Land Bay A called for mixed-use development and said staff was not opposed to the residential component but to the form that it had taken in the applications. She noted that the applicant had not been required to file a Comprehensive Plan Amendment since specific Plan language encouraged housing opportunities within Land Bay A.

Ms. Baker stated that the proposed urban style residential development would complement the existing Centerpointe I and II office buildings on the north side of Legato Road and other adjacent uses in the area. She indicated that the proposal addressed items important to the Fairfax Center area such as the proximity and critical need for housing near employment centers, noting that a variety of housing would be provided on-site such as a multi-family building with underground parking and 90 single-family attached units with integrated garages. She outlined a number of residential uses that had been approved in the J-2 subunit and said the proposed development would provide a great lifestyle choice for future residents. Ms. Baker noted that the proposals also provided features such as: alignment of the site's entrances and park plaza area on Legato Road to complement the entrances and plaza of the two office buildings across the street; a tree save area on the northeast portion of the site which the Urban Forester identified as the most significant area of trees; pocket parks and courtyards; 32 percent open space; and internal recreational facilities in the multi-family building to include a multi-age recreation center, community room, and fitness room designed to be available to residents of both communities. She said the applicant had been coordinating plans with the owner of the adjacent Centerpointe Church property, who had recently acquired a Plan Amendment for expansion of the church's facilities. She stated that over the last six months the applicant had modified the proposed design in response to requests made by the church such as the addition of a significant buffer along the northeast portion of the property to save trees and provide open space, inclusion of an adequate disclosure, and elimination of units. She said Proffer Number 7c had been recently added and required that the applicant design a tree preservation plan for two existing 24-inch oak trees on the church property and to construct a retaining wall to provide safety for the roots which would be further addressed through the site plan process.

Ms. Baker indicated that Proffer Number 21 had also been added and required that disclosures be included in homeowner association and condominium association documents stating that surrounding properties had been planned for office use at up to a 1.0 floor area ratio (FAR) and that Centerpointe Church planned to perform a major expansion of its facilities. She stated that a letter of support dated April 25, 2005, had been sent from Robert Wiberg, Executive Vice President of Prentiss Properties, a copy of which is in the date file, and said the Camden development and the Springfield District Fairfax Center Area Land Use Committee had recommended approval of the applications. Ms. Baker noted that the applicant disagreed with the design issues expressed by staff and believed that the applications were in full compliance with the Comprehensive Plan. She indicated that the proposed development would result in a reduction in trips with the addition of Transportation Demand Managements proffers, add vibrancy to the community, be pedestrian-oriented, front on the street, and embrace the neighbors.

Vice Chairman Byers called the first listed speaker and noted that the rules for public testimony still applied.

John Holmes, 4104 Legato Road, Fairfax, a Board member of Centerpointe Church, spoke in support of the development of high-rise apartments, but said he was opposed to mid-level townhomes. He pointed out that in 1996 a similar plan for medium height development had not been approved.

Commissioner Murphy pointed out that Centerpointe Church had filed Plan Amendments to construct a 1.0 FAR office building and a structured parking garage on the site which had been supported by the citizens and the Springfield District's Fairfax Center Area Land Use Committee.

James Beachy, 15325 Blueridge View Drive, Centreville, noted that he was an elected Board member of Centerpointe Church. He stated that according to staff the proposal had failed to meet three of the five major elements in the Fairfax Center checklist. He expressed opposition to the current proposal, but said the church would support a plan for a high-rise development that provided significant tree save and buffer areas to the adjacent properties.

Commissioner Murphy discussed Proffers Number 7c and 21 and mentioned that Centerpointe Church had filed a rezoning application to expand its facilities in three phases.

Responding to a question from Commissioner Murphy, Mr. Beachy stated that John Farrell, Esquire, with McCandlish & Lillard, representing the church, would address Proffer Number 21 since he had not seen the proffer. He said he was concerned about the protection of the investment and legacy of Centerpointe Church in the future if the church was to expand further or move to another site. Commissioner Murphy responded that the Plan Amendments approved for the church gave it the right to develop at a 1.0 FAR, construct a structured garage, and change the church to an office building or add an office building on the site, thus contributing to the assets of the church and providing it the opportunity to move in the future.



Keith Godwin, 5107 Pheasant Ridge Road, Fairfax, noted that he was also a Board member of Centerpointe Church. He expressed concerns about the total tree cut, the existing 24-inch oak trees on the church property, the proposed retaining wall, and buffering.

Commissioner Murphy said he appreciated the efforts of Centerpointe Church to move the structured parking garage more centrally on the site to provide the proper buffering and screening for the adjacent residential property.

Kyle Walton, representing the Coalition for Smarter Growth, 4000 Albemarle Street NW, Suite 310, Washington, DC, stated that the coalition supported the proposed development, citing diversity to the area housing stock; proximity to employment; enhanced mix of uses in the area; high-quality design; good circulation; pedestrian-friendly streets; sufficient public greenspace; frontage on West Ox Road; adequate buffering from heaviest traffic; and pedestrian connections to adjoining parcels. Mr. Walton recommended that townhouse residents be permitted direct access through the mid-rise building to the new bus stop on West Ox Road and that County measures be initiated to tame the width and speeds of West Ox Road, Legato Road, and Monument Drive. He further recommended the addition of wider medians, bicycle lanes, and shorter crossing distances for pedestrians to reduce local vehicle trips and increase safety and the permission of street parking on Legato Road for non-rush hour periods to further tame traffic. (A copy of his remarks is in the date file.)

Roger Rohrbaugh, 1983 Horse Shoe Drive, Vienna, noted that he too was a member of the Board of Directors at Centerpointe Church. He voiced objection to the proposal and said the church would only support a mid-rise residential development because it would be more compatible with the surrounding area. He expressed concern about whether the 1.0 FAR on the church property would be protected if the church moved.

Responding to questions from Commissioner Hall, Mr. Rohrbaugh said he believed that residents of a low-rise building would be opposed to an office building on the church property but residents of a mid or high-rise building would not be opposed. Commissioner Hall disagreed by saying that there was no guarantee that residents of a high-rise building would support such a use.

Commissioner Hall recommended that Mr. Rohrbaugh determine whether the proposal would be compatible with the church property instead of trying to protect a possible future use. Mr. Rohrbaugh replied that he thought townhomes would not be in the church's best interest given the projected future use of their property.

Mr. Farrell said he was opposed to townhouses because they would be incompatible with the high-rise character of this area. He expressed concern about the long-term protection of the 1.0 FAR on the church property and whether it would still be compatible with the adjacent use. He suggested that a mid-rise elevator development would be more compatible and consistent with high-rise.

Mr. Farrell stated that the Commission had voted to support mid-rise or high-rise development of the subject property because it would be compatible with the long-term possibility of a 1.0 FAR office building on the church site. He said he believed there was less probability that residents of a mid-rise or high-rise residential development would oppose a building of a similar height on the church site. Commissioner Hall responded that she preferred diversity in design because she did not consider all high-rise development to be a value. Mr. Farrell disagreed due to the existence of high-rise development in the area and preservation of a compatible development possibility for the church.

Commissioner Wilson said she did not see much difference between a five to six-story building and a large four-story townhouse. She expressed concern about people being precluded from testifying before the Planning Commission in the future since it was a public process.

There being no more speakers, Vice Chairman Byers called for a rebuttal statement from Ms. Baker.

Ms. Baker indicated that the townhouses were 50 feet in height which was the same as the Camden development and the multi-family building was 70 feet in height, thus making the proposed development very compatible with the surrounding area. She noted that the applicant agreed to make the minor edits to the proffers proposed by Commissioner Wilson.

In response to questions from Commissioner Harsel, Ms. Baker explained that the sizes of the townhouses ranged from 1,600 to 2,800 square feet, both front load and rear load garages that accommodated two cars, and parallel parking would be available on internal streets since the shorter driveways typically did not accommodate parking.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner Murphy for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Murphy MOVED THE PLANNING COMMISSION DEFER DECISION ON PCA/FDPA 84-P-007-3 AND PCA/FDPA 87-P-052-2, TO A DATE CERTAIN OF JULY 14, 2005, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioners Hall and Wilson seconded the motion which carried unanimously with Commissioner Alcorn absent from the meeting.

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Chairman Murphy resumed the Chair and adjourned the meeting.

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ADJOURNMENT

July 13, 2005

The meeting was adjourned at 12:12 a.m.

Peter F. Murphy, Jr., Chairman

Suzanne F. Harsel, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office,  
12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Kara A. DeArrastia

Approved on: \_\_\_\_\_

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Linda B. Rodeffer, Clerk to the  
Fairfax County Planning Commission